

& response #48J.

PATENT Docket No. 286002020023

#### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Sequence, Assistant Commissioner for Patents, Washington, D.C. 20231, on December 5, 2001.

Irina Brava

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Carol CLAYBERGER et al.

Serial No.:

08/653,294

Filing Date:

May 24, 1996

For:

**IMMUNOMODULATING DIMERS** 

Examiner: M. DIBRINO

Group Art Unit: 1644

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Box Sequence Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications

Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed November 1

2001, for which a response was due December 1, 2001. Accordingly, fee transmittal in duplicate is enclosed.

Please enter the substitute Sequence Listing and remarks.

12/20/2001 AWDNDAF1 00000042 031952 08653294

01 FC:115

110.00 CH

### In the Sequence Listing:

Please replace the paper copy of the Sequence Listing filed on May 25, 2001 with the paper copy of the substitute Sequence Listing submitted herewith. A computer-readable copy (CRF copy) of the substitute Sequence Listing accompanies this response.

#### REMARKS

The Sequence Listing has been amended to be in compliance with Sequence Rules, 37 CFR 1.821 - 1.825.

The undersigned hereby states that the paper copy of the substitute Sequence Listing and computer readable form copy of the substitute Sequence Listing, submitted in accordance with 37 C.F.R. § 1.825(a) and (b), respectively, are the same and contain no new matter. Accordingly, entry of the substitute Sequence Listing into the above-captioned case is respectfully requested.

In the unlikely event that the transmittal letter is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 5, 2001

By:

Kate H. Murashige

Registration No. (29,959)

Morrison & Foerster LLP 3811 Valley Centre Drive

Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-5112 Facsimile: (858) 720-5125



Application No.: 08653294

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

Ж	attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.	
	2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).	
	3. A copy of the "Sequence Listing" in computer readable form has not been submitted as require 37 C.F.R. 1.821(e).	010
Ø	4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.823 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."	0.6001
	5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).	Í
	6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).	
	7. Other:	
Ар	plicant Must Provide:	
X	An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".	
X,	An <u>initial</u> or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.	′
Ø	A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).	
For	questions regarding compliance to these requirements, please contact:	
For	Rules Interpretation, call (703) 308-4216 CRF Submission Help, call (703) 308-4212 PatentIn software help, call (703) 308-6856	

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



JUL 1 1 2001

## Raw Sequence Listing Error Summary

TECH CENTER 1600/2900

ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: <u>08/653,</u> 294B		
TTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE				
lWrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped was retrieved in a word processor after creating i prevent "wrapping."	I" down to the next line. This may occur if your file it. Please adjust your right margin to .3; this in		
2Invalid Line Length	The rules require that a line not exceed 72 characteristics	eters in length. This includes while spaces		
3Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misa use space characters, instead.	ligned. Do not use tab codes between numbers;		
4Non-ASCII	The submitted file was not saved in ASCII(DOS) ensure your subsequent submission is saved in			
5Variable Length		g more than one residue. Per Sequence Rules, ue. Please present the maxImum number of each <220>-<223> section that some may be missing.		
6PatentIn 2.0 "bug"	sequences(s) Normally, Patentin v	220>-<223> section to be missing from amino acid would automatically generate this section from the nanually copy the relevant <220>-<223> section to es to the mandatory <220>-<223> sections for		
7Skipped Sequences (OLD RULES)	(2) INFORMATION FOR SEQ ID NO:X: (insert	Do not insert any subheadings under this heading)		
	Please also adjust the "(ii) NUMBER OF SEQUE	NCES:" response to include the skipped sequences.		
8Skipped Sequences (NEW RULES)	Sequence(s) missing. If intentional, pleated 10> sequence id number 400> sequence id number 000	se insert the following lines for each skipped sequence.		
Usc of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Per 1.823 of Sequence Rules, use of <220>-<223> In <220> to <223> section, please explain location			
OInvalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213 scientific name (Genus/species). <220>-<223> sc is Artificial Sequence	> responses are: Unknown, Artificial Sequence, or ection is required when <213> response is Unknown or		
Usc of <220>	Use of <220> to <223> is MANDATORY if <213 "Unknown." Please explain source of genetic materials.	re" and associated numeric identifiers and responses. 3> "Organism" response is "Artificial Sequence" or terial in <220> to <223> section. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)		
PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of Pate resulting in missing mandatory numeric identifiers listing). Instead, please use "File Manager" or any	s and responses (as indicated on raw sequence		

AMC - Biotechnology Systems Branch - 06/04/2001